public interest for the board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the board, board member, officer or employee shall be disqualified from acting on or in any way attempting to influence action on the matter. Except as otherwise provided in this section, the matter shall be transferred for action to the Board of Referred Powers, which is hereby created. In the event that one or more members of a board, but less than a quorum, are disqualified from acting pursuant to the opinion of the City Attorney, the member or members so disqualified shall not act on the matter, but the matter shall not be transferred to the Board of Referred Powers. If state law makes it unlawful for the board to act in the matter by reason of the disqualification of one or more members, the matter shall be transferred for action to the Board of Referred Powers.

Unless a transfer is prohibited by applicable state law, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction transferred to it with the same force and effect as if acted upon by the board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

EXECUTIVE BRANCH

Sec. 230. Mayor.

Except as otherwise provided in the Charter, management authority shall be vested in the Mayor who shall be the Chief Executive Officer of the City and shall devote his or her entire time to the duties of the office. The Mayor shall execute and uphold all laws and ordinances of the City.

Sec. 231. Powers and Duties.

The Mayor shall have the power and duty to:

(a) exercise management authority over all departments, agencies and appointed offices of the City, except where the Charter provides otherwise;

(b) appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation;

(c) unless provided otherwise in the Charter, appoint chief administrative officers of City departments and appointed offices, and the members of the boards of commissioners created by the Charter, each subject to Council confirmation as provided in the Charter;

(d) unless otherwise provided in the Charter, appoint the members of standing commissions and boards created by ordinance that are advisory to or manage a department or appointed office, or perform regulatory functions, subject to Council confirmation as provided in the Charter;

(e) remove from office any chief administrative officer or commissioner, except where otherwise provided in the Charter;

(f) publicly address the Council on the state of the City, annually prior to the submission of the proposed budget;

(g) prepare and submit the Mayor's proposed annual budget to the Council for consideration in accordance with Article III of the Charter;

(h) represent the City in intergovernmental relations in accordance with City policy and supervise the City's intergovernmental relations function;

(i) declare a local emergency and coordinate the City's emergency response activities in accordance with procedures established by ordinance, and supervise emergency preparedness activities in the various departments and offices, including the Mayor's office, in a manner consistent with City policy;

(j) establish procedures and implement policies not inconsistent with the Charter or ordinance as are necessary to effectively manage and supervise the responsibilities entrusted to the Mayor through the issuance of executive directives, which, in the absence of conflicting provisions in the Charter or ordinance, and until revised or rescinded by the Mayor, shall be binding on all departments, commissions, appointed officers and employees of the City. Executive directives shall be filed with the City Clerk and be published in the manner described in Section 251. Executive directives shall take effect 15 days after publication;

public interest for the board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the board, board member, officer or employee shall be disqualified from acting on or in any way attempting to influence action on the matter. Except as otherwise provided in this section, the matter shall be transferred for action to the Board of Referred Powers, which is hereby created. In the event that one or more members of a board, but less than a quorum, are disqualified from acting pursuant to the opinion of the City Attorney, the member or members so disqualified shall not act on the matter, but the matter shall not be transferred to the Board of Referred Powers. If state law makes it unlawful for the board to act in the matter by reason of the disqualification of one or more members, the matter shall be transferred for action to the Board of Referred Powers.

Unless a transfer is prohibited by applicable state law, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction transferred to it with the same force and effect as if acted upon by the board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

EXECUTIVE BRANCH

Sec. 230. Mayor.

Except as otherwise provided in the Charter, management authority shall be vested in the Mayor who shall be the Chief Executive Officer of the City and shall devote his or her entire time to the duties of the office. The Mayor shall execute and uphold all laws and ordinances of the City.

Sec. 231. Powers and Duties.

The Mayor shall have the power and duty to:

(a) exercise management authority over all departments, agencies and appointed offices of the City, except where the Charter provides otherwise;

(b) appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation;

(c) unless provided otherwise in the Charter, appoint chief administrative officers of City departments and appointed offices, and the members of the boards of commissioners created by the Charter, each subject to Council confirmation as provided in the Charter;

(d) unless otherwise provided in the Charter, appoint the members of standing commissions and boards created by ordinance that are advisory to or manage a department or appointed office, or perform regulatory functions, subject to Council confirmation as provided in the Charter;

(e) remove from office any chief administrative officer or commissioner, except where otherwise provided in the Charter;

(f) publicly address the Council on the state of the City, annually prior to the submission of the proposed budget;

(g) prepare and submit the Mayor's proposed annual budget to the Council for consideration in accordance with Article III of the Charter;

(h) represent the City in intergovernmental relations in accordance with City policy and supervise the City's intergovernmental relations function;

(i) declare a local emergency and coordinate the City's emergency response activities in accordance with procedures established by ordinance, and supervise emergency preparedness activities in the various departments and offices, including the Mayor's office, in a manner consistent with City policy;

(j) establish procedures and implement policies not inconsistent with the Charter or ordinance as are necessary to effectively manage and supervise the responsibilities entrusted to the Mayor through the issuance of executive directives, which, in the absence of conflicting provisions in the Charter or ordinance, and until revised or rescinded by the Mayor, shall be binding on all departments, commissions, appointed officers and employees of the City. Executive directives shall be filed with the City Clerk and be published in the manner described in Section 251. Executive directives shall take effect 15 days after publication;

(k) certify in writing to the Council, for each appointment that requires Council confirmation, that in the Mayor's opinion the appointee is especially qualified by reason of training and experience for the position, and that the appointment is made solely in the interest of the City; and

(l) perform other duties and have other powers as are provided elsewhere in the Charter or by ordinance.

Sec. 232. Executive Budget.

There shall be an executive budget division within the office of the Mayor with the power and duty to:

(a) assist the Mayor in the preparation and submission to the Council of a proposed budget and executive summary in accordance with Article III; and

(b) review and monitor departmental budgets and expenditures to ensure that departmental expenditures do not exceed budgeted appropriations for that department.

The Mayor may request the assistance in these duties from other City departments and offices.

Sec. 233. Temporary Transfer of Employees.

The Mayor may make temporary transfers of employees, not to exceed 120 days in any calendar year, from one appointed office or department to another, except the Proprietary Departments, to relieve temporary shortages in personnel, or to meet temporary demands for additional employees caused by temporary or seasonal requirements in any office or department. The Mayor shall notify the City Clerk at the time the transfer of employees is made, and the City Clerk shall notify the President of the Council, the Director of the Office of Administrative and Research Services and the Board of Civil Service Commissioners of the transfer. The compensation of employees so transferred shall be a charge upon the office or department to which the employees are transferred for the period of the transfer. In the event of objection in writing to the temporary transfer by any of the appointing authorities involved, the Mayor shall determine whether or not the transfer shall be made.

Sec. 234. Joint Labor-Management Partnerships.

The City shall encourage joint labor-management partnerships to set goals, encourage agreements, solve problems, create incentives for outstanding individual or team performance and encourage flexibility and innovation. Collective bargaining and discipline shall not be within the jurisdiction of these partnerships.

LEGISLATIVE BRANCH

Sec. 240. Legislative Power.

All legislative power of the City except as otherwise provided in the Charter is vested in the Council and shall be exercised by ordinance, subject to the power of veto or approval by the Mayor as set forth in the Charter. Other action of the Council may be by order or resolution, not inconsistent with the duties and responsibilities set forth in the Charter or ordinance. Except as otherwise specifically provided in the Charter, the Council shall have full power to pass ordinances upon any subject of municipal concern.

Sec. 241. Council Size.

The Council shall consist of 15 members, elected by districts as provided elsewhere in the Charter.

Sec. 242. Conduct of Business.

The Council shall be the sole judge of the election and qualification of its members. Meetings and records of the proceedings of the Council and of the committees of the Council shall be open to the public, except that closed sessions may be held as permitted by law. The Council shall have the exclusive power to organize its business, prescribe the rules of its proceedings and preserve order at its meetings, subject to the following:

(a) The Council shall hold regular meetings at least three days each week. Meetings may be held in City Hall or elsewhere in the City. By resolution, the Council may establish periods during which the Council or its committees will be in recess. The Council and its committees may also each hold special meetings with proper notice.

(b) The Council, by ordinance or resolution, shall establish a sufficient number of committees to enable it to carry out its duties. The duty of the Council and its committees is to become fully informed of the business of the City so as to oversee all the functions of the City government, and to report to the Council any information or recommendations necessary to enable the Council to properly legislate. Committees shall have the power of investigation, but shall have no administrative control over the various functions of the City government. The administration of the City government shall be vested in the officials designated in the Charter to perform those functions. The President of the Council shall appoint the members and the chair of the committees and each Council member shall be appointed to at least one committee.

Sec. 243. President and President Pro Tempore.

(a) The Council shall elect one of its members as presiding officer, who shall be called the President of the Council. In case of any vacancy in the office of Mayor pending appointment and qualification of a successor, or in case of unavailability due to sickness, absence from the state, or disability of the Mayor, the President of the Council shall act as Mayor of the City. The President of the Council, while acting as Mayor, shall not lose his or her rights as a member of the Council.

(b) The Council shall elect one of its members "President Pro Tempore" who shall act as presiding officer in the absence of the President of the Council and, in case of vacancy in the office of President of the Council, or in the case of unavailability due to sickness, absence from the state or disability of the President of the Council, shall exercise the powers and duties of the President of the Council under the provisions of this section.

(c) The Council shall provide by ordinance for the succession from among its members to the powers and duties of the President Pro Tempore in case of unavailability due to sickness, absence from the state or disability of the President Pro Tempore, or in the case of a vacancy in that office.

Sec. 244. Quorum and Vote Necessary to Take Action.

Two-thirds of the members of the Council shall constitute a quorum for the transaction of business. Nothing in the Charter shall prevent a smaller number from transacting business by a majority vote of members present to the extent necessary to fill vacancies in the membership of the Council in the manner provided in Article IV, where no quorum can be assembled except by filling the vacancies. Except as otherwise provided in the Charter, action by the Council shall be taken by a majority vote of the entire membership of the Council. Whenever in the Charter a certain proportion of the Council is required for the performance of any act, it shall mean that proportion of the entire membership of the Council.

Sec. 245. City Council Veto of Board Actions.

Actions of boards of commissioners shall become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action, except that as to any action of the Board of Police Commissioners regarding the removal of the Chief of Police, the time period within which the Council may act before the action of the Board shall become final shall be ten meeting days during which the Council has convened in regular session.

(a) **Action by Council.** If the Council timely asserts jurisdiction over the action, the Council may, by two-thirds vote, veto the action of the board within 21 calendar days of voting to bring the matter before it, or the action of the board shall become final. Except as provided in subsection (e), the Council may not amend, or take any other action with respect to the board's action.

(b) **Waiver.** The Council may, by ordinance, waive review of classes or categories of actions, or, by resolution, waive review of an individual anticipated action of a board. The Council may also, by resolution, waive review of a board action after the board has acted. Actions for which review has been waived are final upon the waiver, or action of the board, as applicable.

(c) **Effect of Veto.** An action vetoed by the Council shall be remanded to the originating board, which board shall have the authority it originally held to take action on the matter.

(d) **Exempt Actions.** The following actions are exempt from Council review under this section:

(1) actions of the Ethics Commission;

(2) actions of the Board of Fire and Police Pension Commissioners;

(3) actions of the Board of Administration for Los Angeles City Employees Retirement System;

(4) actions of the Board of Administration of Water and Power Employees Retirement Plan;

(5) quasi-judicial personnel decisions of the Board of Civil Service Commissioners;

(6) actions of a board organized under authority of the Meyers-Milias Brown Act for administration of employer-employee relations;

(7) individual personnel decisions of boards of commissioners other than the Board of Police Commissioners; and

(8) actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law.

(e) **Exceptions for Actions of City Planning Commission and Area Planning Commissions.** The Council shall not be limited to veto of actions of the City Planning Commission or Area Planning Commissions, but, subject to the time limits and other limitations of this section, after voting to bring the matter before it, shall have the same authority to act on a matter as that originally held by the City Planning Commission or Area Planning Commission.

Sec. 246. Provision of Quarters; Creation of Positions.

Except as to those departments given control of their own revenues or funds, the Council shall provide suitable quarters, equipment and supplies for the various departments and offices of the City government. It shall create the necessary positions in addition to those created by the Charter in those departments and offices, authorize the necessary deputies, assistants and employees, and provide the necessary funds for carrying on the work of the departments and offices. Upon request from any department given control of its own revenues or funds, the Council may assist the department in the performance of its functions with appropriations of money or otherwise.

Sec. 247. Public Improvements.

The City shall have power to provide for public improvements by contract or by the direct employment of labor and purchase of materials. The Council may cause the costs and expenses of the improvements, including any damages to private property caused thereby, to be paid from the General Fund or a special fund of the City, or may make those costs and expenses, including incidental expenses and damages, a lien upon the abutting property, or upon property in districts according to benefits. The Council may establish, by ordinance, an assessment process, the priority of the lien and the method for enforcement, and may levy and collect or cause to be levied and collected assessments upon property according to frontage or upon property in districts according to benefits, to pay the cost of the improvements. The City may cause to be issued and sold bonds, notes and other evidences of indebtedness, bearing interest, extending over a period not exceeding such time as permitted by state law, to represent any or all the assessments in accordance with requirements and procedures to be established by ordinance.

Sec. 248. Issuance of Housing Revenue Bonds.

In accordance with a procedure established by ordinance, the Council may issue or authorize the issuance of revenue bonds, notes and other evidences of indebtedness from time to time, the proceeds of which may be used for the purpose of acquiring, developing, constructing and rehabilitating, and for the purpose of making loans for the financing or refinancing of the acquisition, development, construction and rehabilitation of, single family and multi-family residential housing developments, including low and moderate-income housing developments and market rate housing developments. The City may cooperate with and receive aid from other agencies of government in accomplishing the purposes described in this section, but shall make no contributions to the payment of interest or principal due on any of these revenue bonds, notes or other evidences of indebtedness, from taxes imposed by the City.

Sec. 249. Ordinances – Enacting Clause.

The enacting clause of all ordinances shall be substantially as follows:

"The People of the City of Los Angeles do ordain as follows:"

(i) maintain each fund on a parity with its obligations at all times by transferring from the Reserve Fund as a loan to any fund which may become depleted through tardy receipt of revenues, and upon receipt of revenues sufficient to make an allocation as will restore each fund to parity, retransfer the amount of the loan to the Reserve Fund;

(j) monitor the level of debt incurred by the City and report periodically to the Mayor and Council on City debt; and

(k) conduct performance audits of all departments and may conduct performance audits of City programs, including suggesting plans for the improvement and management of the revenues and expenditures of the City. Nothing in this subsection shall preclude the Mayor or Council from conducting management studies or other review of departmental operations.

Sec. 262. Approval of Demands on Treasury.

(a) The Controller shall, prior to approval of any demand, make inspection as to the quality, quantity and condition of services, labor, materials, supplies or equipment received by any office or department of the City, and approve before payment all demands drawn upon the Treasury if the Controller has adequate evidence that:

(1) the demand has been approved by every board, officer or employee whose approval is required by the Charter or ordinance;

(2) the goods or services have been provided, except that advance payment may be authorized by ordinance for specified categories of goods and services;

(3) the payment is lawful;

(4) the appropriation for the goods or services has been made;

(5) the prices charged are reasonable;

(6) the quantity, quality and prices correspond with the original specifications, orders or contracts; and

(7) any additional criteria established by ordinance have been satisfied.

(b) Notwithstanding subsection (a), the Controller shall delegate to the various offices and departments the duties of inspection of goods and services and approval of demands, in accordance with methods for inspection and approval established by the Controller, but the Controller may suspend the authority delegated pursuant to this subsection upon a finding of abuse of that authority or on a determination that the office or department lacks adequate controls to exercise that authority properly. In the event of suspension of the authority delegated pursuant to this subsection, the Controller shall assist the office or department to achieve adequate controls and standards prior to reinstatement of that authority to the office or department.

(c) The Controller shall withhold approval of any demand, in whole or in part, if there is a question as to whether it is improper, illegal, or unauthorized, and immediately file a report with the Mayor and Council stating the objections to the demand. The Council shall promptly consider the report and may overrule or sustain the objections of the Controller.

(d) The Controller shall keep a record of all demands on the Treasury approved by the Controller and of all demands to which objections have been made and overruled.

Sec. 263. Approval of Expenses of Controller.

All demands for the expenses of the office of the Controller shall, before payment, be presented to the Mayor, who shall have the same powers as to approval or disapproval as are exercised by the Controller in the case of other demands. The action of the Mayor shall be subject to review by the Council.

Sec. 264. Reduction of Demand on Treasury.

No demand upon the Treasury shall be allowed by the Controller in favor of any person or entity indebted to the City without first deducting the amount of the indebtedness, to the extent permitted by law.

Sec. 250. Procedure for Adoption of Ordinances.

(a) **Introduction and Passage.** No ordinance shall be passed finally on the day it is introduced, but it shall be held over for one week, unless approved by unanimous vote of all the members of the Council present, provided there is not less than three-fourths of all the members present.

(b) **Presentation to Mayor.** Every ordinance passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council, and be presented to the Mayor for approval and signature. If the Mayor does not approve the ordinance, the Mayor shall endorse on it the date of its presentation to him or her, and return it to the City Clerk with a written statement of objections to the ordinance. The City Clerk shall endorse on the ordinance the date of its return to him or her. If the Mayor does not approve or veto an ordinance in accordance with this section within ten days after its presentation to him or her, the ordinance shall be as effective as if signed by the Mayor.

(c) **Override by Council.** The City Clerk shall present the ordinance, with the objections of the Mayor, at the first Council meeting after the Clerk has received the Mayor's objections. The Council may pass any ordinance over the veto of the Mayor within 45 days after the objections of the Mayor are presented to the Council, by two-thirds vote of the Council or by three-fourths vote where two-thirds vote or more was required for passage of the original ordinance.

Sec. 251. Publication or Posting of Ordinances.

All ordinances finally adopted under the provisions of the Charter shall be published in the English language at least once in some daily newspaper circulated in the City of Los Angeles, or publicized by some other method authorized by ordinance. No ordinance shall be valid or take effect until that publication or satisfaction of other method authorized by ordinance. As used in the Charter, publication of an ordinance shall mean compliance with this section.

Sec. 252. Effective Date of Ordinances, Orders and Resolutions.

Orders and resolutions shall take effect upon their passage unless requiring Mayoral approval, in which case they shall take effect upon Mayoral approval or override of Mayoral veto. An ordinance shall go into effect 31 days from its publication, except for urgency ordinances adopted pursuant to Section 253, and except for the following ordinances, which shall take effect upon their publication:

(a) an ordinance ordering, or otherwise relating to an election;

(b) an ordinance ordering or otherwise relating to the levying or collection of the annual City taxes;

(c) an ordinance which provides for or changes any of the following with respect to streets, boulevards, alleys, courts or other public places: name, curb lines, grade, improvement, opening, widening, straightening or extension;

(d) an ordinance relating to the construction of sewers or storm drains;

(e) an ordinance relating to the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property for any of the purposes referenced in subsections (c) and (d);

(f) an ordinance relating to the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessment upon private property;

(g) an ordinance relating to creating classes of positions, setting salaries, authorizing the employment of personnel or prescribing conditions of employment;

(h) an ordinance establishing Council or Board of Education districts;

(i) an ordinance establishing pension or retirement benefits in accordance with Article XI of the Charter;

(j) an ordinance making or authorizing any contract, other than an ordinance granting any franchise, right or privilege; and

(k) any ordinance making or authorizing the sale or issuance of bonds of the City or of any district within the City.

Sec. 265. Payment of Bonds.

Nothing in this Article shall be construed as interfering with or preventing the payment by the Treasurer of principal and interest on bonds payable by the City in accordance with the California Constitution, laws and ordinances authorizing the issuance and payment of those bonds.

Sec. 266. Periodic Surveys of Proprietary Departments.

(a) The Controller, Council and Mayor shall jointly cause, at least once in every five years, an industrial, economic and administrative survey to be made of the business and property of each of the Harbor, Water and Power and Airports Departments and shall select an independent qualified industrial engineer or organization specializing in such surveys to conduct the survey. The cost of each survey shall be paid for from the funds of the surveyed department.

(b) Each survey shall be made in consultation with the Mayor and City Council to ascertain if the surveyed department is operating in the most efficient and economical manner.

(c) A copy of the report of each survey shall be transmitted to the Mayor, Council, and board of the surveyed department and shall be made available to the public.

CITY ATTORNEY

Sec. 270. Qualifications.

The City Attorney must be qualified to practice in all the courts of the state, and must have been so qualified for at least five years immediately preceding his or her election. The City Attorney shall devote his or her entire time to the duties of the office.

Sec. 271. Powers and Duties.

The powers and duties of the City Attorney shall be as follows:

(a) The City Attorney shall represent the City in all legal proceedings against the City. The City Attorney shall initiate appropriate legal proceedings on behalf of the City.

(b) The City Attorney shall be the legal advisor to the City, and to all City boards, departments, officers and entities. The City Attorney shall give advice or opinion in writing when requested to do so by any City officer or board.

(c) The City Attorney shall prosecute on behalf of the people all criminal cases and related proceedings arising from violation of the provisions of the Charter and City ordinances, and all misdemeanor offenses arising from violation of the laws of the state occurring in the City.

(d) The City Attorney shall approve in writing the form of all surety or other bonds required by the Charter, or by ordinance, before the bonds are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without approval as to form by the City Attorney. Except as otherwise provided in the Charter, the City Attorney shall approve in writing the form of all contracts before the contracts are entered into by or on behalf of the City.

(e) The City Attorney shall keep records of all actions and proceedings in which the City or any officer or board is an interested party, and copies of all written opinions given by the City Attorney's office. The City Attorney shall comply with all requests for information from the Mayor or Council, and shall report on a regular basis to the Mayor and Council on all matters of litigation, in a form and at times specified by ordinance. In all litigation involving potential financial liability of the City, the City Attorney shall keep the Mayor and Council informed as to the status and progress of litigation.

Sec. 272. Control of Litigation.

The civil client of the City Attorney is the municipal corporation, the City of Los Angeles. The City Attorney shall defend the City in litigation, as well as its officers and employees as provided by ordinance. The City Attorney may initiate civil litigation on behalf of the City or the People of the State of California, and shall initiate civil litigation on behalf of the City when requested to do so by

Sec. 253. Urgency Ordinances.

The Council may adopt an urgency ordinance that shall take effect upon its publication. An urgency ordinance may only be adopted if required for the immediate preservation of the public peace, health or safety. Any urgency ordinance shall contain a specific statement showing its urgency, and must be passed by a three-fourths vote of the Council. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure.

Sec. 254. Legislation Pending Before State and Federal Government.

The Council, by resolution, may establish the official position of the City with respect to legislation proposed to or pending before the state or federal government. The resolution shall be subject to veto by the Mayor, and override of the Mayor's veto by a two-thirds vote of the Council. The Council, by ordinance, shall adopt procedures to implement the provisions of this section, which procedures shall set the time periods for Council and Mayoral action.

CONTROLLER

Sec. 260. Auditor and General Accountant.

The Controller shall be the auditor and general accountant of the City and shall exercise a general supervision over the accounts of all offices, departments, boards and employees of the City charged in any manner with the receipt, collection or disbursement of the money of the City. The Controller shall be elected as provided in Section 202.

Sec. 261. Powers and Duties.

The Controller shall:

(a) appoint assistants, deputies, clerks and other persons as the Council shall prescribe by ordinance;

(b) prescribe the method of keeping all accounts of the offices, departments, boards or employees of the City in accordance with generally accepted accounting principles, except that any change of the system of accounting shall first be authorized by the Council;

(c) regularly review the accounting practices of offices and departments and upon finding serious failings in accounting practices, be empowered to take charge of the accounting function, and thereafter assist the office or department in implementing appropriate accounting standards and practices;

(d) maintain a complete set of accounts which shall be deemed the official books and accounts of the City, which shall show at all times the financial condition of the City, the state of each fund, including funds of departments responsible for managing their own funds, the source from which all money was derived and for what purposes all money has been expended;

(e) in compliance with generally accepted government auditing standards, audit all departments and offices of the City, including proprietary departments, where any City funds are either received or expended; be entitled to obtain access to all department records and personnel in order to carry out this function; establish an auditing cycle to ensure that the performance, programs and activities of every department are audited on a regular basis, and promptly provide completed audit reports to the Mayor, Council, and City Attorney and make those reports available to the public;

(f) maintain a reconciliation between the accounts in all offices and departments with the accounts in the Controller's office, and from time to time, verify the condition of all City funds in the City Treasury, and report to the Mayor and Council thereon;

(g) allocate among the several respective funds all public money at any time in the City Treasury not otherwise specifically allocated and appropriated by law or ordinance, and promptly notify the Treasurer of the allocation or appropriation;

(h) report to the Mayor and Council, at times established by law, the condition of each fund, and make other reports as the Mayor or Council requests;

Sec. 275. Employment of Other Legal Counsel.

Upon recommendation of a board enumerated in Section 272(c), and the written consent of the City Attorney, the City may contract with attorneys outside of the City Attorney's Office to assist the City Attorney in providing legal services to that department. The City may otherwise contract with outside legal counsel to assist the City Attorney in the discharge of his or her duties under the Charter only upon written approval of the Council and the City Attorney, and consistent with budgetary appropriations.

CITY CLERK

Sec. 280. Appointment and Removal.

The City Clerk shall be appointed and removed by the Mayor, subject in both appointment and removal to confirmation by the Council.

Sec. 281. Powers and Duties.

(a) The City Clerk shall be the custodian of the City seal, the City ordinances, contracts, records, including a complete record of the real estate holdings of the City, and other City documents entrusted to the Clerk's care.

(b) The City Clerk shall keep all ordinances, contracts, records and documents properly indexed and, when not in actual use, open during regular office hours to public inspection.

(c) The City Clerk shall be present at each meeting of the Council and keep a record of its proceedings.

(d) The City Clerk shall administer all oaths and affirmations except as otherwise provided by the Charter.

(e) The City Clerk shall superintend elections as provided in the Charter.

(f) The City Clerk shall devote his or her entire time to the duties of the office.

(g) The City Clerk shall keep a record and have custody of all official bonds, and place and renew all corporate surety bonds of officers or employees provided that the reliability of corporate sureties has been approved by the Council.

OFFICE OF ADMINISTRATIVE AND RESEARCH SERVICES

Sec. 290. Appointment and Removal; Qualifications; Assistants.

The Director of the Office of Administrative and Research Services shall be appointed and removed as provided in Section 508. The Director shall have administrative and executive ability as demonstrated by five years experience at the executive or administrative level within ten years immediately preceding appointment to the position of Director. The Director may appoint and remove as many assistants as may be authorized by the Charter and ordinance.

Sec. 291. Powers and Duties.

The Director shall have the power and duty to:

(a) keep the Mayor and the Council advised of the condition, finances and future needs of the City, and make recommendations as are appropriate;

(b) assist in the preparation of the annual budget in accordance with policies prescribed by the Mayor;

(c) develop work programs and standards required in the proper planning of the budget;

(d) prepare reports on revenue and costs and, throughout the year, conduct studies and investigations that will assist in the preparation of the budget;

(e) assist the Council in the review of the proposed budget;

(f) assist the Mayor and Council in the consideration of any appropriations subsequent to the adoption of the budget, as set forth elsewhere in the Charter;